



THE CITY OF NEW YORK
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February 28, 2018

VIA ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: David Matthews v. City of New York, et al., 17-CV-06064 (ENV) (RML)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department (“City”), and the attorney assigned to the defense of the above-referenced matter. Defendant City writes to respectfully request that the Court continue the stay in this matter, pending the outcome of plaintiff’s ongoing criminal prosecution.

By way of background, plaintiff filed the Complaint on October 17, 2017, alleging, *inter alia*, that he was falsely arrested and subjected to excessive force on or about July 21, 2016, and maliciously prosecuted thereafter. See Dkt. No. 1. On November 15, 2017, defendant City requested a stay of this case because the criminal prosecution against plaintiff was still pending in Queens County Criminal Court under Case No. 2016QN032800. Your Honor granted the stay on November 30, 2017, and ordered a status report to be filed by February 28, 2018. Accordingly, the undersigned writes to inform the Court that, upon information and belief, plaintiff’s criminal prosecution remains on going, and his next court appearance is scheduled for March 6, 2018. See N.Y. State Unified Court System WebCriminal Document titled “Case Details-Appearances” for Case No. 2016QN032800, annexed hereto as Exhibit A.

Based on the foregoing, defendant City respectfully requests that the Court continue the stay of this action pending the disposition of the parallel state court criminal proceeding.

Thank you for your consideration of this request.

Very truly yours,

/s/

Megan Conger
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
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